

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1611

Introduced by Assembly Member Bonta
(Coauthor: Assembly Member Skinner)

February 6, 2014

An act to amend Section 3543.2 of the Government Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Bonta. School employees: scope of representation: notice.

Existing law gives public school employee organizations the right to represent their members in their employment relations with public school employers, and limits the scope of representation to matters relating to wages, hours of employment, and other terms and conditions of employment, as defined. Existing law provides that all other matters are reserved to the public school employer and may not be a subject of meeting and negotiating.

This bill would require a public school employer to give reasonable written notice to the exclusive representative of ~~the employees of the public school~~ the employer's intent to make any change to matters within the scope of representation of those employees, ~~including, but not limited to, start time and hours of employment,~~ *employees represented by the exclusive representative* for purposes of providing the exclusive representative a reasonable amount of time to negotiate proposed changes with the public school employer. The bill would also

make nonsubstantive changes to this provision. By imposing new duties on public school employers, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3543.2 of the Government Code is
2 amended to read:
3 3543.2. (a) (1) The scope of representation shall be limited
4 to matters relating to wages, hours of employment, and other terms
5 and conditions of employment. “Terms and conditions of
6 employment” mean health and welfare benefits as defined by
7 Section 53200, leave, transfer and reassignment policies, safety
8 conditions of employment, class size, procedures to be used for
9 the evaluation of employees, organizational security pursuant to
10 Section 3546, procedures for processing grievances pursuant to
11 Sections 3548.5, 3548.6, 3548.7, and 3548.8, the layoff of
12 probationary certificated school district employees, pursuant to
13 Section 44959.5 of the Education Code, and alternative
14 compensation or benefits for employees adversely affected by
15 pension limitations pursuant to former Section 22316 of the
16 Education Code, as that section read on December 31, 1999, to
17 the extent deemed reasonable and without violating the intent and
18 purposes of Section 415 of the Internal Revenue Code.
19 (2) A public school employer shall give reasonable written
20 notice to the exclusive representative of the public school
21 employer’s intent to make any change to matters within the scope
22 of representation of the employees represented by the exclusive
23 representative, ~~including, but not limited to, start time and hours~~
24 ~~of employment,~~ *representative* for purposes of providing the

1 exclusive representative a reasonable amount of time to negotiate
2 with the public school employer regarding the proposed changes.

3 (3) The exclusive representative of certificated personnel has
4 the right to consult on the definition of educational objectives, the
5 determination of the content of courses and curriculum, and the
6 selection of textbooks to the extent those matters are within the
7 discretion of the public school employer under the law.

8 (4) All matters not specifically enumerated are reserved to the
9 public school employer and may not be a subject of meeting and
10 negotiating, except that this section does not limit the right of the
11 public school employer to consult with any employees or employee
12 organization on any matter outside the scope of representation.

13 (b) Notwithstanding Section 44944 of the Education Code, the
14 public school employer and the exclusive representative shall,
15 upon request of either party, meet and negotiate regarding causes
16 and procedures for disciplinary action, other than dismissal,
17 including a suspension of pay for up to 15 days, affecting
18 certificated employees. If the public school employer and the
19 exclusive representative do not reach mutual agreement, Section
20 44944 of the Education Code shall apply.

21 (c) Notwithstanding Section 44955 of the Education Code, the
22 public school employer and the exclusive representative shall,
23 upon request of either party, meet and negotiate regarding
24 procedures and criteria for the layoff of certificated employees for
25 lack of funds. If the public school employer and the exclusive
26 representative do not reach mutual agreement, Section 44955 of
27 the Education Code shall apply.

28 (d) Notwithstanding Section 45028 of the Education Code, the
29 public school employer and the exclusive representative shall,
30 upon request of either party, meet and negotiate regarding the
31 payment of additional compensation based upon criteria other than
32 years of training and years of experience. If the public school
33 employer and the exclusive representative do not reach mutual
34 agreement, Section 45028 of the Education Code shall apply.

35 (e) Pursuant to Section 45028 of the Education Code, the public
36 school employer and the exclusive representative shall, upon the
37 request of either party, meet and negotiate a salary schedule based
38 on criteria other than a uniform allowance for years of training
39 and years of experience. If the public school employer and the
40 exclusive representative do not reach mutual agreement, the

1 provisions of Section 45028 of the Education Code requiring a
2 salary schedule based upon a uniform allowance for years of
3 training and years of experience shall apply. A salary schedule
4 established pursuant to this subdivision shall not result in the
5 reduction of the salary of a teacher.

6 SEC. 2. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.